

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Khan et al.

**Serial No.:** 09/821,380

**Filed:** March 29, 2001

**For:** IMMUNOREGULATOR

**Confirmation No.:** 3457

**Examiner:** J. Witz

**Group Art Unit:** 1651

**Attorney Docket No.:** 2183-4799US

**NOTICE OF EXPRESS MAILING**

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO/SB/08 be considered by the Examiner and made of record.

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56(b) exists.

U.S. Patent Documents

<u>U.S. Patent No.</u>	<u>Publication Date</u>	<u>Patentee</u>
#US- 4,977,244	12-11-1990	Muchmore et al.
#US- 5,677,275	10-14-1997	Lunardi-Iskandar et al.
#US- 5,877,148	03-02-1999	Lunardi-Iskandar et al.

**Serial No.:** 10/409,027

#US- 5,968,513	10-19-1999	Gallo et al.
#US- 5,997,871	12-07-1999	Gallo et al.
#US- 2003/0049273 A1	03-13-2003	Gallo et al.
#US- 6,583,109 B1	06-24-2003	Gallo et al.
#US- 6,596,688 B1	07-22-2003	Gallo et al.
#US- 6,620,416 B1	09-16-2003	Gallo et al.
#US- 2002/0064501	05-30-2002	Khan et al.
#US- 2002/0041871	04-11-2002	Brudnak
#US-5,851,997	12-22-1998	Harris
#US- 6,489,296	12-03-2002	Grinnell et al.

Foreign Patent Documents

<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
#EP 1 138 692 A1	10/04/2001	Erasmus Universiteit Rotterdam
#EP 1 300 418	04-09-2003	Erasmus Universiteit Rotterdam
#WO 98/35691	08-20-1998	Proscript, Inc.
#WO 02/085117	10-31-2002	Eisai Co., Ltd.
#DE 3715662	11-19-1987	The Wellcome Foundation Ltd.
#DE 19953339	05-17-2001	Goldham Pharma GmbH
#96/04008	02-15-1996	Government of the United States
#97/49373	12-31-1997	University of Maryland Biotechnology Institute
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12-31-1997

University of Maryland  
Biotechnology Institute

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#CHRISTMAN et al., Nuclear factor kappaB: a pivotal role in the systemic inflammatory response syndrome and new target for therapy, *Intens Care Med*, 1998, pp. 1131-38, Vol. 24.

#JYONOUCHI et al., Proinflammatory and regulatory cytokine production associated with innate and adaptive immune responses in children with autism spectrum disorders and developmental regression, *J Neuroim.*, 2001, pp. 170-79, Vol. 120.

#KANUNGO et al., Advanced Maturation of *Heteropneustes Fossilis* (Bloch) by Oral Administration of Human Chorionic Gonadotropin, *J. Adv. Zool.*, 1999, pp. 1-5, Vol. 20.

#PATIL, A., et al., "The Study of the Effect of Human Chorionic Gonadotrophic (HCG) Hormone on the Survival of Adrenal Medulla Transplant in Brain. Preliminary Study," 87 *ACTA NEUROCHIR (WIEN)* 76-78 (1987).

#ROHRIG et al., Growth-stimulating Influence of Human Chorionic Gonadotropin (hCG) on *Plasmodium falciparum* in vitro, *Zentralblatt Bakt*, 1999, pp. 89-99, Vol. 289.

#SLATER, Lewis M., et al., "Decreased Mortality of Murine Graft-Versus-Host Disease by Human Chorionic gonadotropin, "23(1) *TRANSPLANTATION* 103-104 (January 1977).

#TAK et al., NF-kappaB: a key role in inflammatory diseases, *J Clin Invest.*, 2001, pp. 7-11, Vol. 107.

#TAN et al., The role of activation of nuclear factor-kappa B of rat brain in the pathogenesis of experimental allergic encephalomyelitis, *Acta Physiol Sinica*, 2003, pp. 58-64, Vol. 55.

#TOVEY et al., Mucosal Cytokine Therapy: Marked Antiviral and Antitumor Activity, *J. Interferon Cytokine Res.*, 1999, pp. 911-21, Vol. 19.

#ALBINI, A., et al., "Old drugs as novel angiogenesis inhibitors: Preclinical studies with NAC, hCG, EGCG and somatostatin," 17 *CLINICAL & EXPERIMENTAL METASTASIS* 739 (1999).

#BLACKWELL, Timothy S., et al., "The Role of Nuclear Factor-kB in Cytokine Gene Regulation," 17 AM. J. RESPIR. CELL MOL. BIOL. 3-9 (1997).

#KELLER, S., et al., "Human Chorionic Gonadotropin (hCG) Is a Potent Angiogenic Factor for Uterine Endothelial Cells *in Vitro*," 20(5-6) PLACENTA, page A37 (July 1999).

#KHAN, Nisar A., et al., "Inhibition of Diabetes in NOD Mice by Human Pregnancy Factor," 62(12) HUMAN IMMUNOLOGY 1315-1323 (December 2001).

#KHAN, Nisar A., et al., "Inhibition of Septic Shock in Mice by an Oligopeptide From the  $\beta$ -Chain of Human Chorionic Gonadotrophin Hormone," 63(1) HUMAN IMMUNOLOGY 1-7 (January 2002).

#MUCHMORE et al., Immunoregulatory Properties of Fractions from Human Pregnancy Urine: Evidence that Human Chorionic Gonadotropin is not Responsible, The Journal of Immunology, March 1997, pp. 881-86, Vol. 118, No. 3.

#MUCHMORE et al., Purification and Characterization of a Mannose-Containing Disaccharide Obtained from Human Pregnancy Urine, Journal of Experimental Medicine, December 1984, pp. 1672-85, Volume 160.

#WULCZYN, F. Gregory, et al., "The NF-kB/Rel and I $\kappa$ B gene families: mediators of immune response and inflammation," 74(12) J. MOL. MED. 749-769 (1996).

#YAMAMOTO, Y., et al., "Role of the NF-kB Pathway in the Pathogenesis of Human Disease States," 1(3) CURRENT MOLECULAR MEDICINE 287-296 (July 2001).

#Pursuant to 37 C.F.R. § 1.98(d), copies of the previously identified patents are not being provided since they were previously cited by or submitted to the Office in the following prior application:

Serial No.: 09/716,777

Filed: November 20, 2000

For: IMMUNOREGULATOR, which application is being relied upon for an earlier filing date under 35 U.S.C. § 120.

**Serial No.: 10/409,027**

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, Applicants hereby identify the following listed copending applications naming a common inventor(s):

Attorney Docket No.: 3077-4618.1US  
Serial No.: 10/678,995  
Filing Date: 10/3/2003  
Title: IMMUNOREGULATOR

Attorney Docket No.: 3077-6084US  
Serial No.: 10/753,510  
Filing Date: 1/7/2004  
Title: IMMUNOREGULATORY COMPOSITIONS

This Supplemental Information Disclosure Statement is believed to be filed before the mailing date of the first Office Action on the merits subsequent to the filing of an RCE in the above-identified application.

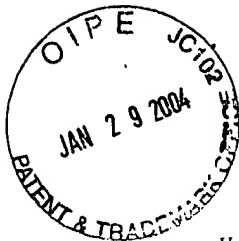
Respectfully submitted,



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Date: January 26, 2004  
ACT/bv  
Enclosures: Form PTO/SB/08

Document in ProLaw



PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>Substitute for form 1449A/PTO</b> <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	To be assigned		
		Filing Date	January 7, 2004		
		First Named Inventor	Khan et. al.		
		Group Art Unit	1632 (presumed)		
		Examiner Name	T. McKelvey (presumed)		
Sheet	1	of	4	Attorney Docket Number	3077-5951US

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		#US- 4,977,244	12-11-1990	Muchmore et al.	
		#US- 5,677,275	10-14-1997	Lunardi-Iskandar et al.	
		#US- 5,877,148	03-02-1999	Lunardi-Iskandar et al.	
		#US- 5,968,513	10-19-1999	Gallo et al.	
		#US- 5,997,871	12-07-1999	Gallo et al.	
		#US- 2003/0049273 A1	03-13-2003	Gallo et al.	
		#US- 6,583,109 B1	06-24-2003	Gallo et al.	
		#US- 6,596,688 B1	07-22-2003	Gallo et al.	
		#US- 6,620,416 B1	09-16-2003	Gallo et al.	
		#US- 2002/0064501	05-30-2002	Khan et al.	
		#US- 2002/0041871	04-11-2002	Brudnak	
		#US-5,851,997	12-22-1998	Harris	
		#US- 6,489,296	12-03-2002	Grinnell et al.	
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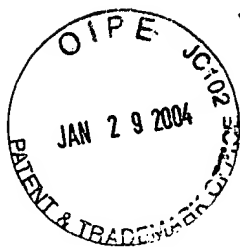
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		#EP 1 138 692 A1	10/04/2001	Erasmus Universiteit Rotterdam		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>		<b>Complete if Known</b>	
		Application Number	To be assigned
		Filing Date	January 7, 2004
		First Named Inventor	Khan et. al.
		Group Art Unit	1632 (presumed)
		Examiner Name	T. McKelvey (presumed)
Sheet 2 of 4	Attorney Docket Number	3077-5951US	

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		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
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		#EP 1 300 418	04-09-2003	Erasmus Universiteit Rotterdam		
		#WO 98/35691	08-20-1998	Proscript, Inc.		
		#WO 02/085117	10-31-2002	Eisai Co., Ltd.		
		#DE 3715662	11-19-1987	The Wellcome Foundation Ltd.		
		#DE 19953339	05-17-2001	Goldham Pharma GmbH		
		#96/04008	02-15-1996	Government of the United States		
		#97/49373	12-31-1997	University of Maryland Biotechnology Institute		
		#97/49418	12-31-1997	University of Maryland Biotechnology Institute		
		#97/49432	12-31-1997	University of Maryland Biotechnology Institute		

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet

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Application Number	To be assigned
Filing Date	January 7, 2004
First Named Inventor	Khan et. al.
Group Art Unit	1632 (presumed)
Examiner Name	T. McKelvey (presumed)
Attorney Docket Number	3077-5951US

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		#International Search Report, International Application No. PCT/NL02/00639, mailed August 4, 2003 (8 pages).	
		#CHRISTMAN et al., Nuclear factor kappaB: a pivotal role in the systemic inflammatory response syndrome and new target for therapy, Intens Care Med, 1998, pp. 1131-38, Vol. 24.	
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		#ROHRIG et al., Growth-stimulating Influence of Human Chorionic Gonadotropin (hCG) on Plasmodium falciparum in vitro, Zentralblatt Bakt, 1999, pp. 89-99, Vol. 289.	
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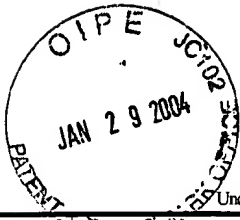
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		#ALBINI, A., et al., "Old drugs as novel angiogenesis inhibitors: Preclinical studies with NAC, hCG, EGCG and somatostatin," 17 CLINICAL & EXPERIMENTAL METASTASIS 739 (1999).	
		#BLACKWELL, Timothy S., et al., "The Role of Nuclear Factor-kB in Cytokine Gene Regulation," 17 AM. J. RESPIR. CELL MOL. BIOL. 3-9 (1997).	
		#KELLER, S., et al., "Human Chorionic Gonadotropin (hCG) Is a Potent Angiogenic Factor for Uterine Endothelial Cells <i>in Vitro</i> ," 20(5-6) PLACENTA, page A37 (July 1999).	
		#KHAN, Nisar A., et al., "Inhibition of Diabetes in NOD Mice by Human Pregnancy Factor," 62(12) HUMAN IMMUNOLOGY 1315-1323 (December 2001).	
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		#MUCHMORE et al., Immunoregulatory Properties of Fractions from Human Pregnancy Urine: Evidence that Human Chorionic Gonadotropin is not Responsible, The Journal of Immunology, March 1997, pp. 881-86, Vol. 118, No. 3.	
		#MUCHMORE et al., Purification and Characterization of a Mannose-Containing Disaccharide Obtained from Human Pregnancy Urine, Journal of Experimental Medicine, December 1984, pp. 1672-85, Volume 160.	
		#WULCZYN, F. Gregory, et al., "The NF-kB/Rel and I $\kappa$ B gene families: mediators of immune response and inflammation," 74(12) J. MOL. MED. 749-769 (1996).	
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